

MINUTES FOR THE BOARD OF ADJUSTMENT MEETING

November 19, 2010

- I. **ATTENDANCE** - The Chair called the meeting to order at 1:02 p.m. in the Council Chambers, 200 East Main Street, on November 19, 2010. Members present were Chairman Louis Stout, James Griggs, Kathryn Moore, Barry Stumbo, Jan Meyer, Noel White and Thomas Glover. Others present were Jim Hume, Mark Newberg and George Dillon, Division of Building Inspection; Jim Gallimore, Division of Traffic Engineering; Chuck Saylor, Division of Engineering, Capt. Charles Bowen, Division of Fire & Emergency Services, and Rochelle Boland, Department of Law. Staff members in attendance were Barbara Rackers, Jim Marx and Wanda Howard.

Chairman Stout requested all with cell phones to turn them off or to silent mode at this time.

- II. **APPROVAL OF MINUTES** - The Chair will announce that the minutes of the April 30 and September 24, 2010 meetings, will be considered at this time.

Action – A motion was made by Mr. Stumbo, seconded by Mr. Glover and carried unanimously to approve the minutes of the April 30 and September 24, 2010 meetings.

III. **PUBLIC HEARING ON ZONING APPEALS**

Swearing of witnesses – At this time the Chair asked all present to stand and be sworn. He administered the oath to several persons in attendance.

- A. **Sounding The Agenda** - In order to expedite completion of agenda items, the Chair sounded the agenda in regard to any postponements, withdrawals, and items requiring no discussion.

1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair announced that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.

- a. **C-2009-9: BROADWAY CHRISTIAN CHURCH** - under consideration for revocation of a previously approved conditional use permit for expansion of a parking lot, for failure to comply with conditions specified by the Board, in a High Density Apartment (R-4) zone, on property located at 179 Saunier Street (Council District 2).

The Board of Adjustment approved a conditional use permit for the subject property on April 24, 2009, subject to several conditions. According to the Division of Building Inspection, not all conditions have been fulfilled as required, and Building Inspection has requested a hearing to determine if the conditional use permits merits revocation.

Discussion – Mr. Hume stated that he would like to withdraw his request for a revocation hearing on this case, as the church has complied with the conditions previously approved by the Board.

Action – A motion was made by Mr. Griggs, seconded by Ms. Meyer and carried unanimously to withdraw **C-2009-9: BROADWAY CHRISTIAN CHURCH** - a revocation hearing for a previously approved conditional use permit for expansion of a parking lot, for failure to comply with conditions specified by the Board, in a High Density Apartment (R-4) zone, on property located at 179 Saunier Street, based upon the recommendation from the Division of Building Inspection.

- b. **V-2010-105: KEN and LINDSAY DONWORTH** - appeal for a variance to reduce the required yard along Montclair Drive from 35 feet to 20 feet in order to construct a 1½-story detached garage in a Single Family Residential (R-1C) zone, on property located at 1251 Eldemere Road (Council District 3).

The Staff Recommended: Disapproval, for the following reasons:

- a. Granting the requested variance would negatively alter the character of the general vicinity, by allowing a sizable accessory building nearly 15' closer to Montclair Drive than the existing residence. Such an arrangement is not typical of this neighborhood, which is characterized by spacious front yards and clearly defined building setbacks.

- b. Special circumstances unique to this particular property have not been identified that might tend to justify a

- reduction in the required side street side yard setback.
- c. Strict application of the Zoning Ordinance would not unreasonably restrict use of the property or create an unnecessary hardship. The lot is relatively large, with ample space for constructing an accessory building that complies with applicable setback requirements.

Representation – Ms. Lynn Pedigo was present on behalf of the appellant. She requested a one-month postponement of this request due to her illness, and the fact that the appellants are also ill. Mr. Marx stated that the staff had no objection to the postponement.

Action – A motion was made by Ms. White, seconded by Ms. Moore and carried unanimously to postpone **V-2010-105: KEN and LINDSAY DONWORTH** – an appeal for a variance to reduce the required yard along Montclair Drive from 35 feet to 20 feet in order to construct a 1½-story detached garage in a Single Family Residential (R-1C) zone, on property located at 1251 Eldemere Road, to the Board's December 10th meeting.

2. No Discussion Items - The Chair asked if there are any other agenda items where no discussion is needed...that is, (a) The staff had recommended approval of the appeal and related plan(s), (b) The appellant concurred with the staff's recommendations. Appellant waived oral presentation, but may submit written evidence for the record, (c) No one present objected to the Board acting on the matter at this time without further discussion. For any such item, the Board proceeded to take action.
 - a. **V-2010-104: BRUCE BARNETT** - appeals for a variance to reduce the required yard along Bassett Avenue from 30 feet to 20 feet in order to construct a 2-story detached garage in a Single Family Residential (R-1C) zone, on property located at 1421 Richmond Road (Council District 5).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The detached garage to be constructed will be set back 8' further from Bassett Avenue than the existing residence, and there are several residences in the immediate area on Bassett Avenue that have front yard setbacks of less than 20'.
- b. The narrow width of the lot and the location of the existing residence 12' back from Bassett Avenue are special circumstances that contribute to justifying the requested variance.
- c. Strict application of the Zoning Ordinance would permit a detached garage of just 18.5' in depth, which would be marginally functional for the appellant, and would force the garage to be constructed very close to the side property line where there is an existing residence on the adjoining lot.
- d. The appellant is a potential purchaser of the property, and is seeking assurance that a reasonably sized and well located garage can be built on the subject property. Such an effort should not be interpreted as an attempt to circumvent a requirement of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

1. The detached garage shall be constructed in accordance with the submitted application and site plan.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.
3. The existing driveway shall be removed and replaced with grass/landscaping, with the curb cut to be restored in accordance with the requirements of the Division of Traffic Engineering. Removal and restoration shall be done either prior to or concurrent with construction of the new detached garage.
4. The detached garage shall not have a kitchen and shall not otherwise be used as an additional dwelling unit for the property.

Representation – Mr. Bruce Barnett was present for his appeal. Chairman Stout asked him if he had read the staff recommendation, and if he would agree to the four conditions recommended for approval of this appeal. Mr. Barnett replied affirmatively.

Citizen Comment – Mr. Richard Edwins, owner of adjacent property on Bassett Avenue, was present, but not to object. He said that he wanted to better understand the four conditions recommended on the agenda.

Mr. Barnett said that he was proposing to construct a detached garage behind a house that he purchased two days earlier. He was in need of a 10' variance of the building line, as the property was a lot located on the corner of Bassett Avenue and Richmond Road. He said that the lot was narrow, and the garage was to be two stories in height.

Mr. Marx said that the height limit was 20' for the detached garage, and that Mr. Edwins was concerned that the height might exceed that limit. Mr. Edwins said that the garage was only proposed to be 8'-10' off his property line, and that the height of the garage was of concern, as it would be nearly as tall as his residence. He

appreciated that the requested variance was not regarding the height of the garage, and he thanked the staff for the information they provided to him earlier in the day.

Mr. Barnett said that he did not propose to turn the garage into another dwelling unit.

Action – A motion was made by Mr. Stumbo, seconded by Ms. Moore and carried unanimously to approve **V-2010-104: BRUCE BARNETT** – an appeal for a variance to reduce the required yard along Bassett Avenue from 30 feet to 20 feet in order to construct a 2-story detached garage in a Single Family Residential (R-1C) zone, on property located at 1421 Richmond Road, for the reasons provided by the staff and subject to the four conditions recommended by the staff.

- b. **V-2010-106: MANCHESTER DEVELOPMENT** - appeals for a variance to eliminate the required landscape buffer for a portion of a vehicular use area in a Wholesale and Warehouse Business (B-4) zone, on properties located at 962-964 Pine Street and 904-910 Manchester Street (Council District 2).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. Even with the variance, the overall appearance of this parking lot will significantly improve, with extensive landscaping to be provided internally and along Manchester Street and portions of Pine Street.
- b. The historical use of the subject property as a parking lot, and design complications resulting from the location of an underground gas line, are special circumstances that justify some reduction in the landscape buffers now required to refurbish the parking lot.
- c. Strict application of the Zoning Ordinance would likely require that a full landscape buffer be provided along Pine Street, resulting in the loss of approximately five parking spaces.
- d. Given the extensive increase in the amount of landscaping to be provided as this existing parking lot is improved, the fairly limited variance that has been requested should not be interpreted as an attempt to circumvent a requirement of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

1. The parking lot shall be landscaped in accordance with the submitted application and site plan, or as amended to comply with requirements of the Division of Building Inspection.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.
3. The five triangular-shaped areas created by the parking space tire stops and the edge of the sidewalk along Pine Street shall have individual plantings at grade or in planter boxes. Species selected shall complement that provided at other locations on the property, and a landscaping plan for those areas shall be prepared subject to review and approval by the Division of Building Inspection.

Representation – Mr. Barry McNees was present representing the appellant. Chairman Stout asked if he had read the recommendation of the staff and understood the three recommended conditions. Mr. McNees replied in the affirmative. Mr. Griggs asked Mr. McNees if he would agree to abide by the recommended conditions. Mr. McNees again replied affirmatively.

Action – A motion was made by Ms. Meyer, seconded by Mr. Griggs and carried unanimously to approve **V-2010-106: MANCHESTER DEVELOPMENT** – an appeal for a variance to eliminate the required landscape buffer for a portion of a vehicular use area in a Wholesale and Warehouse Business (B-4) zone, on properties located at 962-964 Pine Street and 904-910 Manchester Street for the reasons provided by the staff, and subject to the conditions recommended by the staff.

- c. **CV-2010-98: B & S RESTAURANT MANAGEMENT** - appeals for a conditional use permit to provide live entertainment (DJ & bands) and dancing at a restaurant/bar; and a variance to reduce the required 100' setback from a residential zone to 0 feet in a Neighborhood Business (B-1) zone, on property located at 120 (aka 122) W. Maxwell Street (Council District 3).

The Staff Recommended: Postponement, for the following reasons:

- a. Written assurance has not yet been provided by the owner of the subject property indicating that the appellant is authorized to pursue a conditional use and variance for a bar & grill with live entertainment.
- b. Additional details are needed regarding: (1) the intended use of the outdoor deck/patio and courtyard adjacent to the building; (2) required off-street parking for the proposed use, which will require submittal of an indoor and outdoor seating arrangement, along with a calculation of the square footage of the building that will be used for the proposed activities; and (3) an assessment of required parking for other occupants of the building, and a description of how the available parking behind the building will be shared with those occupants and any other users in the area (e.g., Two Keys Tavern) that may have at some point been

authorized to use that accessory parking lot.

- c. There are a number of residential properties in close proximity to the subject property. Alternative music venues and operational considerations should be explored by the appellant that might serve to reduce the potential for a bar/grill with live entertainment to adversely affect those properties.

Representation – No representative of the appellant was present.

Discussion – Mr. Marx commented that, two months ago, the staff stated that a letter of permission from the property owner had not yet been filed. Mr. Marx said that the staff made the appellant aware of this shortly after the application was filed. He said that he did not believe, after this amount of time, that the letter would be submitted to the staff by the appellant. He suggested that the Board could consider disapproval of this application for that reason.

Chairman Stout asked if this application could be withdrawn. Ms. Boland replied that the Board could not withdraw the request, but that the Board could deny it, based upon the recommendation of the staff.

Mr. Glover asked if it could be removed from the docket. Ms. Boland replied that the Board could send the appellant written notice that the Board was considering disapproval of the request due to a lack of required information. She said that the notice could include information that, if it were to be disapproved, no similar request could be filed for the property for one year.

Action – A motion was made by Mr. Griggs, seconded by Mr. Glover and carried unanimously to postpone **CV-2010-98: B & S RESTAURANT MANAGEMENT** – an appeal for a conditional use permit to provide live entertainment (DJ & bands) and dancing at a restaurant/bar; and a variance to reduce the required 100' setback from a residential zone to 0 feet in a Neighborhood Business (B-1) zone, on property located at 120 (aka 122) W. Maxwell Street, to the Board's December 10th meeting, and that a notice be sent to the appellant stating that the Board was considering disapproval of the request due to a lack of information; and communicating to the appellant that, were it to be disapproved, no subsequent request could be filed for the property for one year.

- d. **CV-2010-100: TOTAL GRACE BAPTIST CHURCH** - appeals for a conditional use permit to expand the parking area; and variances to reduce the required front yard from 30 feet to 0 feet in a Single Family Residential (R-1C) zone and 20 feet to 0 feet in a Planned Neighborhood Residential (R-3) zone, on properties located at 1313 & 1317 N. Limestone Street (Council District 1).

The Staff Recommended: Postponement, for the following reasons:

- a. Additional time is needed for the appellant to consider a modified proposal that reduces the extent of paving proposed in the front yards of each lot, with the goal of maintaining a comparable amount of open space as that provided on the adjoining residential properties.
- b. There are significant questions related to the overall design of the parking areas that are proposed, which should be discussed with the Division of Traffic Engineering prior to the Board's consideration of the conditional use request.
- c. The provision of landscape buffers for the proposed parking lot, whether required by the Zoning Ordinance or otherwise deemed desirable, should be addressed by the appellant. Given the narrow width of the northerly lot, and the limited space between the church building and North Limestone, such buffers may ultimately determine the feasibility and design options for expanding the off-street parking areas for this church facility.

Representation – No representative of the appellant was present.

Discussion – Mr. Marx commented that the staff had been in contact with Pastor Robinson, and that a meeting had been scheduled in the near future to discuss this application.

Action – A motion was made by Mr. Stumbo, seconded by Ms. White and carried unanimously to postpone **CV-2010-100: TOTAL GRACE BAPTIST CHURCH** – an appeal for a conditional use permit to expand the parking area; and variances to reduce the required front yard from 30 feet to 0 feet in a Single Family Residential (R-1C) zone and 20 feet to 0 feet in a Planned Neighborhood Residential (R-3) zone, on properties located at 1313 & 1317 N. Limestone Street, to the Board's December 10th meeting.

- B. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.

- C. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

There were none remaining.

D. **Conditional Use Appeals**

1. **C-2010-102: EVERGREEN MISSIONARY BAPTIST CHURCH** - appeals for a conditional use permit to construct and occupy a new Sunday school and literacy center (with two 2nd-floor apartments and accessory parking) in a Planned Neighborhood Residential (R-3) zone, on properties located at 739, 741 and 743 Florida Street (Council District 1).

The Staff Recommended: Approval of a conditional use for a Sunday school and community center/literacy center, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The activities proposed will be an extension of the church use that is already an established part of the neighborhood. Services to be provided at the literacy center should be beneficial for the community. Minimum requirements pertaining to off-street parking will be satisfied (primarily on site), and full landscaping for the parking lot will be provided.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The Sunday school and literacy center shall be constructed and operated in accordance with the submitted application and site plan, with the understanding that some revisions (including a reduction in on-site parking) may be required to satisfy the requirements of the Divisions of Building Inspection and Traffic Engineering.
2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction and occupancy of the building.
3. The final design of the parking lot shall be subject to review and approval by the Division of Traffic Engineering.
4. The parking lot shall be paved, with spaces delineated and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
5. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
6. Any pole lighting for the parking lot shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby residential properties.
7. The church shall ensure that a minimum of two parking spaces at the closest portion of the main church parking lot (accessed via 752 Dakota Street) are made available for use by the community center/literacy center. If less than 9 off-street parking spaces are ultimately provided on site, then this number shall be adjusted upward accordingly.
8. A consolidation plat shall be filed with the Division of Planning for the three lots (739, 741 and 743 Florida Street), and recorded prior to the issuance of a building permit.

Representation – Ms. Dorothy Porter was present representing the church. Chairman Stout asked if she had read the eight conditions recommended by the staff for the approval of this request. Ms. Porter replied affirmatively, and felt that the conditions “were doable,” especially regarding the parking. The church was located next door to this proposed facility, and the church’s parking would be available for this use as well. She felt that the church would, in essence, be leasing parking for this use from themselves.

Ms. Porter stated that she had spoken with Rev. Burton, who was also present at the meeting, and had also spoken with some of the church's committee members. She said that they were amenable to posting signs that the church's parking would be available for this use during weekdays.

Discussion – Chairman Stout said that he had wondered how the parking would be provided for this use. Mr. Stumbo said that parking for this use was also his concern, but it now appeared that this had been resolved.

Mr. Marx stated that the staff report had mentioned the tight side yard setback for the proposed building. Since this project would sit on a lot that was not proposed to be consolidated to the lot where the church is located, there is a 5' side yard required for this new building, and an additional two-foot setback for the building would be necessary. The staff was somewhat concerned as to how that could be accomplished. Ms. Porter replied that, in looking at the proposed floor plan of the building, that the center of the cubicle area could be reduced by two feet on the first floor; and that upstairs, the bedrooms could be 9' by 11' in size instead of the 9' by 13' size originally contemplated.

Chairman Stout asked if the use could be approved subject to a site plan revision, or if the matter should be continued so that this could be worked out. Ms. Boland replied that the Board could consider amending the first recommended condition to indicate that there will be a revised site plan that will meet the required 5' side yard.

Chairman Stout asked if this is the first that the appellant had heard of this 5' requirement. Mr. Marx replied that this issue was raised in the staff report, but also that the appellant had been working closely with Building Inspection and Traffic Engineering on several code issues. He did not believe that this was new information for the appellant.

Chairman Stout said that he was amenable to Ms. Boland's suggestion.

Ms. Moore asked, if the concern here was that the building was too wide, whether there should be more precision in the Board's action. Ms. Boland replied that the revision to the first condition would reference that the requirements of the Divisions of Building Inspection and Traffic Engineering would need to be met. Chairman Stout said that he was concerned that the appellant should be clearly notified of what is expected. He did not feel that the condition was specific enough, and he wanted the church to understand what is expected. Ms. Porter stated that she understood that they would need to modify the site plan to meet the required 5' side yard requirement.

Mr. Griggs said that there may be several ways to meet the 5' requirement, and that he hoped the Board would not "tie the church's hands" on complying with this requirement. Chairman Stout agreed with Mr. Griggs.

Action – A motion was made by Ms. Moore, seconded by Ms. Meyer and carried unanimously to approve **C-2010-102: EVERGREEN MISSIONARY BAPTIST CHURCH** – an appeal for a conditional use permit to construct and occupy a new Sunday school and community center/literacy center (with two 2nd-floor apartments and accessory parking) in a Planned Neighborhood Residential (R-3) zone, on properties located at 739, 741 and 743 Florida Street for the reasons provided by the staff, and subject to the eight conditions, revising condition #1 as follows:

1. The Sunday school and literacy center shall be constructed and operated in accordance with the submitted application and a revised site plan, with the understanding that some revisions (including a reduction in on-site parking) may be required to satisfy the requirements of the Divisions of Building Inspection and Traffic Engineering.

E. **Administrative Review**

1. **A-2010-103: RANDALL PETERSON** - appeals for an administrative review to allow a second kitchen in a single family residence in a Single Family Residential (R-1B) zone, on property located at 1535/1545 Lakewood Drive (Council District 5).

The Staff Recommended: Disapproval, and that the decision of the Division of Building Inspection be upheld, for the following reasons:

- a. The property is located in a Single Family Residential (R-1B) zone, which permits just one dwelling unit per property, and one kitchen facility to serve that single unit.
- b. Special circumstances, such as a living situation involving a handicapped person or elderly family member, have not been identified by the appellant to justify the need for a second kitchen.
- c. Permitting second kitchens as a routine matter, without any special needs or living conditions involved,

could lead to a proliferation of multiple living units on properties that are zoned for just one dwelling unit. This would be a direct circumvention of the intent of the Zoning Ordinance, and could ultimately result in adverse impacts to many neighborhoods.

The Division of Building Inspection will report at the meeting.

Representation – Mr. Lyndon Platt, Eagle Engineering, was present for the appellant. Mr. Platt said that the appellant had not yet arrived, but he expected him to attend in order to explain his desire for a microwave oven in his basement.

Staff Report – Mr. Marx presented the staff report on this request. He said that the number of kitchens was integral to the zoning regulations for the allowable number of dwelling units. The staff's concern was that a second kitchen could lead to the addition of a second dwelling unit in a single family zone.

Mr. Marx said that, on only a few occasions, the Board had allowed a second kitchen in a dwelling; but there had always been unique circumstances involved. In one circumstance an elderly person was allowed a second kitchen to maintain a level of independence from nearby family members. In another situation, a disabled person was permitted a second kitchen in a home, for similar reasons. In a third instance, for religious purposes, a second kitchen was permitted for a family due to food preparation requirements.

Mr. Marx said that this application had no such justification, and did not identify any special circumstances. With no justification, he said the staff was compelled to recommend disapproval of this request.

Questions – Chairman Stout asked to see the site plan submitted with the application. Mr. Marx displayed it on the overhead, showing the location of the house on the subject lot.

Mr. Griggs asked why this property had two addresses. Mr. Platt responded that the property used to be two lots, but they had since been consolidated into one.

Chairman Stout asked where the second kitchen would be located. Mr. Platt said that it was to be in the basement. Chairman Stout said that the site plan did not indicate where it was to be located. Mr. Marx said that its location was immaterial to the staff's report and recommendation.

Ms. Moore asked how this issue first came to light. Mr. Hume replied that this was caught in their plan review for this house. He said that this issue involved an age-old problem for homes with finished basements and for larger homes. He said that the Zoning Ordinance didn't allow this type of improvement in a basement.

Mr. Platt said that he thought the best avenue at this time was to postpone this request to the December meeting.

Ms. Moore asked Ms. Boland if this appeal should be continued rather than postponed. Ms. Boland replied that she would be more comfortable with a continuance.

Action – A motion was made by Ms. White, seconded by Mr. Stumbo and carried unanimously to continue **A-2010-103: RANDALL PETERSON** – an appeal for an administrative review to allow a second kitchen in a single family residence in a Single Family Residential (R-1B) zone, on property located at 1535/1545 Lakewood Drive, to the Board's December 10 meeting.

IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

- A. Official Meeting & Filing Schedule for 2011 – Ms. Rackers said that copies of the 2011 Meeting & Filing Schedule had been distributed to the Board members in October, and asked that the Board consider adopting next year's schedule at this time.

Action – A motion was made by Mr. Griggs, seconded by Ms. Meyer, and carried unanimously to approve the 2011 Meeting & Filing Schedule, as submitted.

V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

- A. Landscape Review Committee – Ms. Rackers informed the Board that the term of Richard Weber, Landscape Architect member of the Landscape Review Committee, would expire on November 30 of this year. Mr. Weber had

agreed to be re-appointed for another four-year term. Names and terms of current Landscape Review Committee members were provided as follows:

<u>TERM</u>	<u>NAME</u>	<u>REPRESENTING</u>
Term on BOA	Jim Griggs	Board of Adjustment
11/30/2013	Mr. Louis Hillenmeyer, III	Nurseryman
11/30/2014	Mr. Richard Weber	Landscape Architect
11/30/2011	Ms. Melissa Stephan	Tree Board
11/30/2012	Mr. Mike Cravens	Lexington Homebuilders

Ms. Rackers asked the Board to consider a re-appointment of Mr. Weber to the Landscape Review Committee at this time.

Action – A motion was made by Mr. Stumbo, seconded by Ms. Meyer and carried unanimously to re-appoint Mr. Richard Weber to the Landscape Review Committee.

Ms. Rackers said that the staff learned, just this week that Ms. Melissa Stephan (past representative from the Tree Board), is no longer on that Board, and is therefore no longer eligible to serve on this committee. Ms. Karen Angelucci, the current Chair of the Tree Board, had indicated her interest in being appointed to the Landscape Review Committee, in place of Ms. Stephan.

Action – A motion was made by Ms. Meyer, seconded by Ms. White and carried unanimously to appoint Ms. Karen Angelucci to the Landscape Review Committee, representing the Tree Board.

- B. HB 55 Training Opportunity – Ms. Rackers said that there would be an APA audio conference on Wednesday, December 8, beginning at 4:00 p.m. in the Division of Planning (Phoenix Building, 7th floor) conference room. The title of this audio conference is “Staying Out of Court by Avoiding Pitfalls,” and would count toward 1.5 hours of training credit for Board of Adjustment/Planning Commission members and staff.
- C. Vulcan Materials application materials – Mr. Marx said that an application had been filed by Vulcan Materials for the Board’s December meeting, but it included a technical document that would cost about \$500 to copy for the Board members. Mr. Marx stated that the staff also had a compact disc containing the document, and asked if the Board members would like to review the document in advance of their December meeting. Several members replied that they would like a compact disc with the technical document in advance of the December meeting.

VI. **NEXT MEETING DATE** - The Chair announced that, due to the Christmas holiday, the next meeting date would be December 10, 2010, which is two weeks earlier than usual.

VII. **ADJOURNMENT** - There being no further business, the Chairman declared the meeting adjourned at 1:39 PM. He wished the Board members, the staff and their families a Happy Thanksgiving holiday.

Louis Stout, Chairman

James Griggs, Secretary